IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Tr.P(Crl.).No. 87 of 2006()

CC.18/2004 of C.J.M., KALPATTA

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PETITIONER:

LASER P.,
LEJU BHAVAN, MALAYINKEEZH, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:

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1. R.THAKACHAN, S/O. RASELEYAN,
SANTHI SADANAM, MALAYINKEEZH, NEYYATTINKARA,
THIRUVANANTHAPURAM.

2. THE STATE OF KERALA, REP. BY
ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Tr.P.C.No.87 of 2006

Dated this the 5th day of October, 2007

O R D E R

The petitioner is the defacto complainant in C.C.No.18 of 2004 pending before the Chief Judicial Magistrate, Kalpatta for an offence punishable under Section 420 I.P.C. The 1st respondent herein, a police constable, is the accused. The petitioner has come to this Court with a prayer to transfer that case from the court of C.J.M, Kalpatta to the court of C.J.M, Trivandrum.

2. What is the reason ? The short ground urged is that the petitioner is a resident of Trivandrum and that he being sick, cannot undertake a journey to Kalpatta. Alternatively and additionally it is urged that the petitioner is being threatened and intimidated by the 1st respondent-a police constable. The learned counsel for the petitioner attempts to further support his prayer by contending that the 1st respondent, though at present working in Kalpatta, is really a person belonging to Trivandrum. Therefore transfer may be ordered as prayed for, it is prayed.

3. I find absolutely no acceptable reason to direct a transfer of the case. The petitioner need appear before the Magistrate only on one day for tendering evidence. I am of opinion that to avoid the

obligation of the petitioner to appear on one such day, the case need not be transferred to Trivandrum.

4. The petitioner has a grievance that the 1st respondent may threaten him. The learned Public Prosecutor undertakes that necessary steps shall be taken to allay that apprehension of the petitioner. The petitioner can apply to the S.H.O, Kalpatta Police Station and the needful shall be done by the S.H.O, Kalpatta Police Station to allay the apprehension of the petitioner about danger to him.

5. With the above observations, this transfer petition is dismissed.

Hand over a copy of this order to the learned Public Prosecutor.

(R.BASANT, JUDGE)

rtr/-